

REMARKS

In the Office Action dated October 28, 2002, a typographical error in the specification was noted, which has been corrected.

Claims 1-13 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gil et al. Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gil et al., further in view of Cantu et al. These rejections are respectfully traversed for the following reasons.

The method and apparatus disclosed and claimed in the present application are for the purpose for allowing a user wishing to make use of a governmental postage delivery service, which requires that the postal item be franked with an approved franking imprint. As discussed in the introductory portion of the present specification, postal kiosks are known which allow a person having an item to be mailed, as an alternative to going to a post office, to make an entry which results in the item being franked with the proper postage, and to deposit the franked item for pick-up by the postal authority. Because such kiosks are located in a publicly accessible environment (as is desirable in order to make them convenient to use) and since they contain a franking machine, which is loaded with postal funds, such kiosks must be protected against theft of the funds stored in the franking machine. This requires that relatively expensive electronic and mechanical anti-theft measures be implemented at the kiosk, thereby adding to the cost of the kiosk. In order to make the kiosks useful for their intended purpose (i.e., as an alternative to obtaining postage and depositing mail at a post office), they must be relatively plentiful. If the aforementioned anti-theft measures must be implemented at each kiosk, and if the number of kiosks is relatively high, this can make the overall cost of such a kiosk

system so high as to offset the monetary income received by the postal authority from such kiosks. If the postal authority believes that such kiosks would, for this reason, represent a net loss, rather than a net gain, in income, the postal authority will have no inducement to implement such a kiosk system.

The method and apparatus disclosed and claimed in the present application avoid the necessity of implementing expensive anti-theft measures at the kiosk (receiving station), since in the inventive method and apparatus there is no franking machine located at the publicly accessible receiving station. Instead, when a postal item is deposited at the receiving station, it is merely provided with a marking that represents the shipping data associated with the destination of the postal item. Although not required in the independent claims, this shipping data can be converted at the receiving station into a postage value so that a customer's value card (debit card or credit card), or an account represented by the value card, can be charged for the proper postage amount. The item to be mailed, however, is not given a franking imprint at the receiving station, but is merely provided with a marking, which is not an approved franking imprint (i.e., a franking imprint complying with the relevant postal authority regulations).

The item marked with the marking that is not an approved franking imprint is then transported from the receiving station to a distributing station (which is not only remote from the receiving station but is not connected thereto). At this distributing station, which will not be publicly accessible and therefore can have efficiently controlled security measures, the marking is read and a postal value is determined from the shipping data and an approved franking imprint is then placed on the postal

item. The postal item, now provided with an approved franking imprint, can then be entered into the normal mail delivery chain of the governmental postal authority.

By contrast, the system disclosed in the Gil et al. reference is for the purpose of allowing a customer to deposit an item to be transported by any carrier, not necessarily by mailing through a governmental postal service. If a non-governmental carrier is selected, such as UPS, then of course no franking imprint whatsoever is applied to the item, since no such franking imprint is necessary. Therefore, if this type of selection is made in the Gil et al. system, the method steps of claim 1, and the apparatus elements of claim 9, relating to the determination and application of an approved franking imprint are not performed or do not exist. (A "franking imprint" is understood by those of ordinary skill in the art as involving a format and content conforming to the regulation of the relevant governmental postal authority; the type of shipping information typically found on a private carrier-shipping label is not considered by those of ordinary skill in the art as constituting a "franking imprint.")

In the system disclosed in the Gil et al. reference, however, it is possible to select a governmental mail system (such as the USPS) to deliver the item. In that case, the item is franked (i.e., provided with an approved franking imprint) at the same location at which the customer makes data entries and deposits the item. This is described in the Gil et al. reference at column 9, in the paragraph beginning at line 5. The Gil et al. reference does describe the possibility, at column 15, lines 45-55, of not including a postage meter at the depositing station, however, in that embodiment it is not possible to employ the USPS as the carrier, and no franking at all occurs.

Moreover, each of independent claims 1 and 9 require that the receiving station and the distributing station be remote from each other and not connected to

each other. This was the intended meaning of the originally-used term "remote" in claims 1 and 9, but the Examiner may have believed that the separate "units" in the depositing station disclosed in Gil et al. could be interpreted as "stations" that are remote from each other. Even given such an interpretation, however, such stations in the Gil et al. system are still connected to each other, and therefore do not satisfy the language of claims 1 and 9.

Additionally, the requirement for transfer of the postal item from the receiving station to the distributing station, when the receiving station and the distributing station are remote and unconnected to each other, is nowhere disclosed or suggested in the Gil et al. reference. The only reference to physical transport of the item in the Gil et al. system occurs at column 13, in the paragraph beginning at line 35, wherein it is stated that a USPS carrier, or a private carrier, will provide scheduled pick-up service to the location at which the items have been deposited. When such pick-up occurs in the Gil et al. system, however, the items which have been deposited and processed in accordance with the teachings of Gil et al. are "ready to go." The carrier (USPS or a private carrier) need only enter the picked-up items into the regular delivery system of that carrier. This is in contrast to the method and apparatus of claims 1 and 9, wherein the transfer from the receiving station to the distributing station is for the purpose of providing the item with an approved franking imprint at the distributing station. When the item is picked up from the receiving station in the inventive method and apparatus, it is not in a form that can be delivered, but must be further-processed at the distributing station.

For the above reasons, the Gil et al. system operates in a completely different manner from the method of claim 1, and therefore contains completely different components from the elements of claim 9. Therefore, neither the method of claim 1 nor the apparatus of claim 9 would have been obvious to a person of ordinary skill in the art under the provisions of 35 U.S.C. §103(a) based on the teachings of Gil et al. Dependent claims 2-8 add further method steps to the non-obvious method of claim 1, and are therefore patentable over the teachings of Gil et al. for the same reasons discussed above in connection with claim 1.

Dependent claims 10-13 and 15-17 add further elements to the non-obvious apparatus of claim 9, and are therefore patentable over the teachings of Gil et al. for the same reasons discussed above in connection with claim 9.

As to claim 14, the Examiner relied additionally on the Cantu et al. reference as disclosing a solar energy source for operating a control unit. For the reasons discussed above, however, even if the Gil et al. system were operated using such a solar energy source, an apparatus as claimed in claim 14, which embodies the subject matter of claim 9 therein, still would not result.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

 (Reg. 28,982)

SCHIFF, HARDIN & WAITE

CUSTOMER NO. 26574

Patent Department

6600 Sears Tower

233 South Wacker Drive

Chicago, Illinois 60606

Telephone: 312/258-5790

Attorneys for Applicants.